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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,557	07/17/2003	Michael Andrew Fischer	050337-1340 (05CXT0076WL)	1331
24504 7590 01/23/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994			EXAMINER MOORE, IAN N	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/621,557

Applicant(s)

FISCHER ET AL.

Examiner

Ian N. Moore

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE:

Claim 6 is amended in line 7 to include "assigned to the station". Claim 16 is also amended in lines 15 to include "assigned to the apparatus". These additions made to claims 6-10 and 16-20 raise new issues.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim 1-5 and 11-15, applicant argued that Donaghey does not disclose, teach or suggest at least "receiving a third frame...of said association identifier" and "a transmitter for transmitting...said associating identifier" in page 11-13 and 15-17.

In response to argument above, examiner respectfully disagrees.

Donaghey discloses (ii) receiving a third frame (see FIG. 11, S1150, receiving/listening attach confirmation message) from said station via said local area network (see col. 11, line 58-65; receiving/listening attached confirmation message from a PEA 120 in local network), wherein said third frame uses a second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620), rather than said first address (see FIG. 11, a new assigned address is not the same as MAC/AMAC 610), as the medium access control address for said station in said local area network (see col. 11, line 59-65; a new address is assigned as a new MAC address for PEA 120);

(2) a processor (see FIG. 2, digital control logic (DCL) 220; see FIG. 4, DCL 460) for assigning an association identifier to said station (see col. 4, line 10-42; col. 6, line 50-65; DCL places/assigns stream number 620 to PEA 120); and

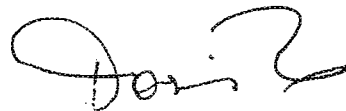
(3) a transmitter (see FIG. 2, a transmitting means in a RF transceiver 230; see col. 4, line 40-15) for:

(i) transmitting a second frame (see FIG. 11, S1140, sending an attached assign message) to said station via said local area network (see FIG. 1, to PEA 120 via local network 100; see col. 11, line 59-65), wherein said second frame comprises said association identifier (see FIG. 6, stream no. 620; see col. 6, line 50-65) and uses said first address as the medium access control address for said station in said local area network (see FIG. 11, S1140, assign message includes stream no. and MAC/AMAC 610 of PEA 120 as a new assigned address in a local network; see col. 11, line 55-65);

wherein said second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620) is a combination of (1) a portion of said first address (see FIG. 6, AMAC 610) and (2) at least a portion of said association identifier (see FIG. 6, stream no. 620; see col. 10, line 50-65; see col. 11, line 30-65; a new assigned address is created based on combined address/tag of a portion/share/piece of MAC/AMAC 610 and a portion/share/piece of stream no. 620).

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